

# State of South Dakota

## EIGHTY-THIRD SESSION LEGISLATIVE ASSEMBLY, 2008

814P0538

### SENATE BILL NO. 114

Introduced by: Senators Nesselhuf, Bartling, Dempster, Garnos, Gray, Hansen (Tom),  
McCracken, and Sutton and Representatives Willadsen, Cutler, Dykstra,  
Elliott, Faehn, Halverson, Miles, Rounds, and Weems

1 FOR AN ACT ENTITLED, An Act to allow persons who were eligible to receive coverage  
2 under the risk pool but chose conversion coverage to obtain coverage under the risk pool  
3 under certain circumstances.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 58-17-85 be amended to read as follows:

6 58-17-85. If a person has an aggregate of at least twelve months of creditable coverage, is  
7 a resident of this state, and applies within sixty-three days of the date of losing prior creditable  
8 coverage, the person is eligible for coverage as provided for in §§ 58-17-68, 58-17-70, 58-17-  
9 85, and 58-17-113 to 58-17-142, inclusive, if none of the following apply:

10 (1) The applicant is eligible for continuation of coverage under an employer plan;

11 (2) ~~The applicant's most recent creditable coverage is a conversion plan from an~~  
12 ~~employer group plan;~~

13 ~~—(3)—~~ The person is eligible for an employer group plan, Part A or Part B of medicare, or  
14 medicaid;



1       ~~(4)~~(3) The person has other health insurance coverage;

2       ~~(5)~~(4) The person's most recent coverage was terminated because of the person's  
3               nonpayment of premium or fraud;

4       ~~(6)~~(5) The person loses coverage under a short term or limited duration plan; or

5       ~~(7)~~(6) The person's last coverage was creditable coverage as defined in subdivision 58-17-  
6               69(13).

7       Any person who has exhausted continuation rights and who is eligible for conversion or  
8       other individual or association coverage has the option of obtaining coverage pursuant to this  
9       section or the conversion plan or other coverage. If a person chooses conversion coverage in lieu  
10      of coverage pursuant to this section and the person later becomes ineligible for conversion  
11      coverage or exhausts the lifetime maximum of the conversion coverage, the person may obtain  
12      coverage pursuant to this section as long as the person continues to satisfy the criteria of this  
13      section. A person who is otherwise eligible for the issuance of coverage pursuant to this section  
14      may not be required to show proof that coverage was denied by another carrier.

15      For purposes of this section, reasonable evidence that the prospective enrollee is a resident  
16      of this state shall be required. Factors that may be considered include a driver's license, voter  
17      registration, and where the prospective enrollee resides.